## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Donovan D. Williford,	,	) C/A No.: 6:18-135-BHH
	Plaintiff,	) )
VS.	:	ORDER AND OPINION
Assistant Warden Gary Leamon, A/W Dean, Stg. Benkji Matthews, Lt. Luis Rojas, Cpt. Morrius Johnson, Ofc. Brittany Welch, Sgt Duncan,	Dofondonto	) ) ) ) ) )
L	Defendants.	)

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Kevin F. McDonald made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On May 3, 2018, the Magistrate Judge issued a Report and Recommendation recommending that Plaintiff's case be dismissed pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with this court's orders. Objections to the Report were due by May 17, 2018. Neither Defendant nor Plaintiff has filed any Objections.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. §

636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report of the Magistrate Judge, the Court adopts the Report. It is therefore

**ORDERED** that this action is DISMISSED without prejudice for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

<u>/s/Bruce Howe Hendricks</u> United States District Judge

May 29, 2018 Greenville, South Carolina

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## **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.